

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	FILED: JUNE 30, 2008
	)	08CV3735
Plaintiff,	)	JUDGE NORGLE
	)	MAGISTRATE JUDGE ASHMAN
v.	)	YM
	)	
SHIN PROVISION, INC., and	)	
KI SOK AN,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff, United States of America, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, herein alleges upon information and belief for its complaint as follows:

**Introduction**

1. This is a civil action brought by plaintiff, the United States of America, against defendants, Shin Provision, Inc. ("Shin Provision") and Ki Sok An, Owner of Shin Provision ("An"), under the Federal Meat Inspection Act ("FMIA"), 21 U.S.C. § 601 *et seq.*, for permanent injunctive relief enjoining defendants from (a) preparing and selling in commerce meat and meat products required to be inspected and passed by the United States Department of Agriculture (the "USDA"), unless such products are so inspected and passed by the USDA and (b) knowingly representing that an article has been inspected and passed under the FMIA when, in fact, it has not been so inspected and passed.

### **Jurisdiction and Venue**

2. This Court has jurisdiction over this matter pursuant to 21 U.S.C. § 674 and 28 U.S.C. §§ 1331, 1337, and 1345.

3. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b) because the actions giving rise to this action occurred in the Northern District of Illinois, and because defendants transact business within this District.

### **Parties**

4. Plaintiff is the United States of America.

5. Shin Provision is a company which processes meat products and is located at 1010 W. Randolph Street, Chicago, IL 60607. Upon information and belief, Shin Provision was incorporated in the State of Illinois on or about March 18, 1991.

6. An is the owner of Shin Provision. Upon information and belief, An has full operational control of Shin Provision.

7. Defendants are and have been engaging in the preparation and sale of meat and meat products in commerce within the Northern District of Illinois and elsewhere.

### **Violation of the FMIA**

8. The allegations in paragraphs 1 through 7 are incorporated by reference as though set forth fully herein.

9. The FMIA, 21 U.S.C. § 610(a), prohibits any person, firm or corporation from preparing meat or meat food products of any cattle, sheep, swine, goats, horses, mules, and other equines, or any carcasses, parts of carcasses, which are capable of use as human food, except in compliance with the requirements of the FMIA.

10. The FMIA, 21 U.S.C. § 610(c)(2), prohibits any person, firm, or corporation from selling, transporting, offering for sale or transportation, or receiving for transportation, in commerce, any meat or meat food products required to be inspected under the FMIA, unless they have been so inspected and passed inspection by the USDA.

11. The FMIA, 21 U.S.C. § 611(b)(6), prohibits any person, firm, or corporation from knowingly representing that an article has been inspected and passed under the FMIA when, in fact, it has not been so inspected and passed.

12. On or about June 12, 2006, June 19, 2006, July 6, 2006, July 17, 2006, and on other dates, defendants violated the FMIA by offering for sale or transportation in commerce meat or meat food products required to be inspected under the FMIA, without the products first passing federal inspection.

13. On or about June 12, 2006, defendants violated the FMIA by preparing and selling beef short ribs to Asia Market which is located at 1243-B Castillion Arcade Plaza, Creve Coeur, MO 63141, without the products first passing federal inspection as required by the FMIA.

14. On or about June 19, 2006, defendants violated the FMIA by preparing and selling beef short ribs to Asia Market which is located at 1243-B Castillion Arcade Plaza, Creve Coeur, MO 63141, without the products first passing federal inspection as required by the FMIA.

15. On or about June 19, 2006, defendants violated the FMIA by preparing and selling beef short ribs and beef shank to East East Oriental Grocery which is located at 13365 Olive Ave, Chesterfield, MO 63017, without the products first passing federal inspection as required by the FMIA.

16. On or about July 6, 2006, defendants violated the FMIA by preparing and selling beef

short ribs and beef shank to East East Oriental Grocery which is located at 13365 Olive Ave, Chesterfield, MO 63017, without the products first passing federal inspection as required by the FMIA.

17. In a signed statement dated February 8, 2007, An acknowledged that he is aware that preparing and selling non-federally inspected meat products to out-of-state customers violates the FMIA and that Shin Provision, Inc. sold non-federally inspected products to Asia Market, Inc. in Missouri on June 12, 19, and July 17, 2006 and to East East Oriental Grocery in Missouri on June 19, 2006 and July 6, 2006. An also acknowledged receipt of Notices of Warning issued by the USDA to Shin Provision, Inc. on January 27, 1994, January 24, 1997, April 22, 1997, March 31, 1999, May 13, 2005 and June 8, 2006 for prior violations of the FMIA.

18. On April 25, 2007, the USDA sent by certified mail a Notice of Alleged Violation to An, in his capacity as President of Shin Provision, Inc. The Notice of Alleged Violation informed An, that Shin Provision, Inc. repeatedly had been warned about violations of the FMIA, but Shin Provision, Inc. nonetheless had continued to engage in conduct that violated the FMIA. The USDA's April 25, 2007 letter invited An to present his views regarding Shin Provision, Inc.'s violations of the FMIA.

19. Despite these warnings, on December 17, 2007, Shin Provision, Inc. violated the FMIA by preparing and selling boneless pork bellies to East East Oriental Grocery, 8619 Olive Boulevard, St. Louis, MO 63132, without the products first passing federal inspection as required by the FMIA. These products were sold to East East Oriental Grocery in boxes bearing the name Peoria Packing LTD. and the mark of federal inspection establishment 21826. By selling and transporting the products in boxes bearing the mark of federal inspection establishment 21826, Shin

Provision, Inc. knowingly represented that the articles had been inspected and passed when, in fact, they had not been so inspected and passed in violation of 21 U.S.C. 611(b)(6).

20. On January 25, 2008, Shin Provision, Inc. again violated the FMIA by preparing and selling two cases of pork butts to East East Oriental Grocery, 8619 Olive Boulevard, St. Louis, MO 63132, without the products first passing federal inspection as required by the FMIA. These products were sold to East East Oriental Grocery in boxes bearing the name Amelio Bros. Meat C. and the mark of federal inspection establishment 2545. By selling and transporting the products in boxes bearing the mark of federal inspection establishment 2545, Shin Provision, Inc. knowingly represented that the articles had been inspected and passed when, in fact, they had not been so inspected and passed in violation of 21 U.S.C. 611(b)(6).

21. Unless enjoined, restrained, and prohibited from further violations of the FMIA, defendants will continue to prepare and sell in commerce uninspected meat and meat food products for human consumption.

WHEREFORE, plaintiff the United States of America seeks entry of an order granting the following relief:

(a) a permanent injunction requiring and compelling defendants to comply in all pertinent particulars with the FMIA, as well as the regulations promulgated thereunder;

(b) a permanent injunction enjoining and restraining defendants and their employees, agents, representatives, successors, and assigns, and any and all persons in active concert or participation with any or all of them, from directly or indirectly offering for sale or selling in commerce any meat, or meat food product that has not been federally inspected and passed such federal inspection, prior to the time of being offered for sale or sold;

(c) a permanent injunction enjoining and restraining defendants and their employees, agents, representatives, successors, and assigns, and any and all persons in active concert or participation with any or all of them, from knowingly representing that any article has been inspected and passed under the FMIA when, in fact, it has not been so inspected and passed;

(d) granting plaintiff the United States of America its costs in bringing this action, including reasonable attorneys' fees, disbursements, and such further relief as the Court may deem just and proper.

Respectfully submitted,

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